IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DANIEL MARKERT, individually and as

Executor for the

ESTATE OF MICHAEL MARKERT, Deceased,

et al.,

Plaintiffs, : CIVIL ACTION

v.

THE PNC FINANCIAL SERVICES GROUP, INC.,: NO. 11-4918

f/k/a/ PNC FINANCIAL CORPORATION,

d/b/a PNC,

Defendant.

ORDER

AND NOW this 10th day of February, 2012, upon consideration of the Motion for Partial Dismissal of Plaintiffs' First Amended Complaint (Doc. No. 16) submitted by Defendant The PNC Financial Services Group, Inc., f/k/a PNC Financial Corporation, d/b/a/ PNC ("Defendant"), the Response of Plaintiffs Daniel Market, individually and as executor of the estate of Michael Markert, deceased, Joseph Markert, and Thomas Markert ("Plaintiffs"), and Defendant's Reply thereto, it is hereby **ORDERED** that said Motion is **DENIED**.

BY THE COURT:

/s/ Robert F. Kelly ROBERT F. KELLY SENIOR JUDGE